

Daniel A. Frishberg

Pro Se

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

CELSIUS NETWORK LLC, *et al.*,¹

Debtors.

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Chapter 11

Case No. 22-10964 (MG)

(Jointly Administered)

The Honorable Martin Glenn

Chief Bankruptcy Judge

United States Bankruptcy Court for the Southern District of New York

Alexander Hamilton U.S. Custom House

One Bowling Green New York, NY 10004

**Re: *In re Celsius Network LLC*, et al., Case No. 22-10964 (MG) Written Request for a
Discovery Conference Due to a Discovery Dispute**

Dear Chief Judge Glenn:

Mr. Frishberg respectfully writes pursuant to Local Rule 7007-1(a) and Local Rule
7007-1(b) requesting a Discovery Conference at the Court's earliest convenience.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 Ltd. (1209); GK8 UK Limited (0893); and GK8 USA LLC (9450). The location of Debtor Celsius Network LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

On September 29, 2023, I received a signed (by the court clerk) subpoena, and served it the same night (*See Exhibit A*) to Mr. Davis (@Otisa502 on X, which is formerly known as Twitter) via email at otisd1234@icloud.com. I also instructed Mr. Davis to not delete, modify or destroy any communications/documents/information, etc (also known as a litigation hold). The deadline to comply with the subpoena was October 4, 2023, at 6pm EST. Mr. Davis not only failed to comply with the subpoena, but also took the subpoena he was served with, and modified it in an attempt to fraudulently induce me into complying with a fake subpoena (*See Exhibit B*, I have added yellow highlights to point out the modifications for convenience). I believe it is illegal to take a court document signed by the court clerk, and modify it. He attempted to serve me with the fake subpoena on September 30, 2023 (a Saturday). The Court Clerk's Office confirmed that they did not issue Mr. Davis a subpoena.

Mr. Davis also went further, and when I asked him if he would comply with the subpoena, he told me to "Go pound sand" (*See Exhibit C*, it is slang, and a polite so-called translation would roughly be: "screw off"). He then blocked me, which has prevented further communication with Mr. Davis (*See Exhibit D*).

I believe that this meets the criteria for making a good faith effort (on my part) to conduct discovery with the issued subpoena. I request pursuant to Local Rule 7007-1(a) and Local Rule 7007-1(b), that this Court schedule a Discovery Conference (or simply orders Mr. Davis to comply with the subpoena). I believe that Mr. Davis participated in the so-called "CEL Short Squeeze" (a successful attempt to manipulate the CEL token's price in the lead up to the Pause).

Obtaining the information, and communications he has would go a long way to assisting in valuing the CEL token.

Sincerely,

/s/Daniel A. Frishberg

Daniel A. Frishberg, *Pro Se*

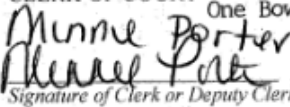
10/05/2023

Exhibit A:

UNITED STATES BANKRUPTCY COURT	
Southern District of New York	
In re <u>Celsius Network LLC, et. al.,</u> Debtor	Case No. <u>22-10964 (MG)</u>
<i>(Complete if issued in an adversary proceeding)</i>	Chapter <u>11</u>
Plaintiff	Adv. Proc. No. _____
v.	
Defendant	

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A BANKRUPTCY CASE (OR ADVERSARY PROCEEDING)	
To: <u>Otis Davis</u> <i>(Name of person to whom the subpoena is directed)</i>	
<input checked="" type="checkbox"/> Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: <u>Any and all documents, information, electronic information, objects, etc., to do with the CEL "short squeeze" including blockchain transactions related to CEL, and the manipulation of CEL.</u>	
PLACE <u>Remotely/ via electronic formats including email.</u>	DATE AND TIME <u>By October 4th, 6pm EST, 2023.</u>
<input type="checkbox"/> Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.	
PLACE	DATE AND TIME

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: <u>9/29/2023</u>	Vito Genna U.S. Bankruptcy Court CLERK OF COURT Southern District of New York One Bowling Green, New York, N.Y. 10004
	OR
	<div style="display: flex; justify-content: space-around;"><div style="text-align: center;"> Signature of Clerk or Deputy Clerk</div><div style="text-align: center;">_____ Attorney's signature</div></div>

The name, address, email address, and telephone number of the attorney representing <i>(name of party)</i> <u>Daniel Frishberg</u> , who issues or requests this subpoena, are: Email: <u>DanielFrishbergDiscovery@gmail.com</u> . Phone Number: <u>[ON FILE]</u> . Address: <u>[ON FILE]</u>
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Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Exhibit B:

B2570 (Form 2570 - Subpoena to Produce Documents, Information, or Objects or To Permit Inspection in a Bankruptcy Case or Adversary Proceeding) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of New York

In re Celsius Network LLC, et. al.,
Debtor

(Complete if issued in an adversary proceeding)

Case No. 22-10964 (MG)

Chapter 11

Plaintiff v. Adv. Proc. No.

Defendant

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A BANKRUPTCY CASE (OR ADVERSARY PROCEEDING)

To: Daniel Frishberg
(Name of person to whom the subpoena is directed)

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: Any and all documents, information, electronic information, objects, etc., to do with the CEL "short squeeze" including blockchain transactions related to CEL, and the manipulation of CEL.

PLACE Remotely/ via electronic formats including email.	DATE AND TIME By October 4th, 6pm EST, 2023.
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☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

PLACE	DATE AND TIME
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The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached - Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 9/29/2023 Vito Genna U.S. Bankruptcy Court
CLERK OF COURT Southern District of New York
One Bowling Green, New York, N.Y. 10004
OR
Signature of Clerk or Deputy Clerk Attorney's signature

The name, address, email address, and telephone number of the attorney representing (name of party)
Otis Davis, who issues or requests this subpoena, are:
Email: Grubby_elves.oj@icloud.com Phone Number: [ON FILE]. Address: [ON FILE]

Notice to the person who issues or requests this subpoena



If this subpoena commands a production of documents, electronically stored information, or tangible things, or the inspection of premises, you must serve a copy of this subpoena on the party to whom it is directed. Fed. R. Civ. P. 45(a)(4).

otisa50233m
@DanielFCelsius

PLEASE TAKE NOTICE that the attached subpoena has been issued, and signed by th...

Exhibit C:



Exhibit D:

